

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DIELONG WU,

Defendant.

21-CR-343 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge:

On January 25, 2024, defendant was sentenced principally to a term of imprisonment of 18 months followed by supervised release for three years.

On August 19, 2024, defendant filed a motion requesting that the Court reduce his sentence pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively. In particular, defendant seeks a sentence reduction under section 4C1.1 of the Guidelines, which provides for an adjustment for certain zero-point offenders. *See* U.S.S.G. § 4C1.1.

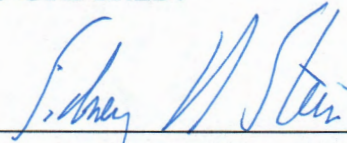
The Court has determined that defendant is not eligible for a sentence reduction. Although defendant has met all of the screening criteria in § 4C1.1(a) and is eligible for the zero-point offender recalculation, the court already applied the zero-point two-level reduction to defendant's guideline calculation at sentencing. (*See* Transcript of Sentence Proceeding, ECF No. 294 at 4.) In addition, defendant is precluded from the zero-point offender reduction because the Total Offense Level and Criminal History Category do not change as a result of the Sentencing Guideline amendments, and he received a sentence substantially below the applicable guideline range of 41–51 months.

Accordingly, defendant's motion is hereby DENIED.

The Clerk of Court is directed to mail a copy of this Order to Dielong Wu (#56178-509), FCI Allenwood Low, Federal Correctional Institution, P.O. Box 1000, White Deer, PA 17887.

Dated: New York, New York
October 29, 2024

SO ORDERED:



Sidney H. Stein, U.S.D.J.